

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
DANVILLE DIVISION

ROBERT T. COLES, et al.,

Plaintiffs,

v.

SMURFIT STONE CONTAINER
CORPORATION, UNITED STATES
POSTAL SERVICE, INTERNAL
REVENUE SERVICE,

Defendants.

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Case No. 4:05-CV-00063

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ORDER

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By: Jackson L. Kiser

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Senior United States District Judge

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Before this Court are the following *Motions*: the Federal Defendants' *Motion to Dismiss* [10], Smurfit Stone's *Motion for Judgment on the Pleadings* [12], the Federal Defendants' *Second Motion to Dismiss* [19], and Smurfit Stone's *Motion to Dismiss* [22]. A hearing on the *Motions* was held on May 2, 2006 and the *Motions* are now ripe for judgment.

For the reasons stated in the accompanying *Memorandum Opinion*, the Federal Defendants' *Motion to Dismiss* is hereby **dismissed as moot**, Smurfit Stone's *Motion for Judgment on the Pleadings* is hereby **denied**, the Federal Defendants' *Second Motion to Dismiss* is hereby **dismissed as moot**, Smurfit Stone's *Motion to Dismiss* is hereby **denied**, and the Federal Defendants are hereby **dismissed** from this case.

The Clerk of the Court is hereby directed to send a certified copy of this *Order* and the accompanying *Memorandum Opinion* to all counsel of record.

Entered this 23rd day of May, 2006.

s/Jackson L. Kiser

Senior United States District Judge